



## CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: September 23, 2005 Name: Jasper W. Dockrey, Reg. No. 33,868 Signature: *Jasper W. Dockrey*

BRINKS  
HOFFER  
GILSON  
& LIONE

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: SUNG, Kwon O.  
Application No.: 10/751,257  
Filed: January 2, 2004  
For: METHOD OF MANUFACTURING  
A LAYER SEQUENCE AND  
A METHOD OF MANUFACTURING AN  
INTEGRATED CIRCUIT

Examiner: E.B. Chen

Art Unit: 1765

Attorney Docket No: 10808/121

(P26950)

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

## TRANSMITTAL

## Attached are:

- ☒ Response to Restriction Requirement.  
☒ Return postcard.

## Fee calculation:

- ☒ No additional fee is required.  
☐ Small Entity.  
☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).  
☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_).  
☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total	15	Minus	20	0	x \$25=			x \$50=	
Indep.	2	Minus	3	0	x \$100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
					Total	\$		Total	

## Fee payment:

- ☐ A check in the amount of \$\_\_\_\_\_ to cover the filing fee is enclosed.  
☐ Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.  
☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).  
☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

September 23, 2005  
Date

*Jasper W. Dockrey*  
Jasper W. Dockrey (Reg. No. 33,868)

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on September 23, 2005

Date of Deposit

Jasper W. Dockrey, Reg. No. 33,868

Name of applicant, assignee or  
Registered Representative

Signature

September 23, 2005

Date of Signature

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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**RESPONSE TO RESTRICTION REQUIREMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

In an Office Action dated August 23, 2005, in the above-referenced case, the applicants' claims were subjected to a restriction requirement under 35 USC § 121. The applicants hereby provisionally elect the claims of Group I, claims 1-15; however, the applicants respectively traverse the restriction requirement.

**REMARKS**

The applicants assert that restriction in the instant application is improper at least because the Office Action has not even alleged proper grounds to demonstrate that the claims divided into Groups I and II are distinct. In support of the restriction requirement it is alleged that MPEP §806.05(f) provides that the claims are distinct, since the device could be made by a different process, such as by a hypothetical process step. (Office Action, page 2) There is, however, no explanation that one